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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,495

09/22/2003

Kia Silverbrook

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SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER

CUTLER, ALBERT H

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/666,495	Applicant(s) SILVERBROOK, KIA	
	Examiner Albert H. Cutler	Art Unit 2622	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN 6 MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) that in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached sheet

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is responsive to communication filed on 19 July 2007.

#### ***Response to Arguments***

2. In regards to the Final Rejection mailed June 21, 2007, Applicant argues that there is no suggestion or motivation to modify the references of Sarbadhikari et al. and Hara et al. as indicated by the Examiner. Specifically, Applicant argues that there is no mention throughout the entire description of Hara et al that this form of two-dimensional code would be suitable for providing a camera with control instructions. The Applicant states that the combined teachings of Sarbadhikari et al in view of Hara et al. does not teach the claimed camera control print medium. Additionally, there is absolutely no suggestion of such inclusions or replacements in any of the citations, or in relation to the nature of the problem. Furthermore, Applicant argues that there are no references to the coded data representing control instructions which cause a controllable image manipulator to perform at least one operation in relation to the at least one image manipulation print medium. Hara et al does not relate to the applicant's field of endeavor due to failing to be relevant to a camera control print medium. Also Hara et al. is not pertinent to the problem with which the inventor was concerned, that being providing an alternate form for control of the camera which utilizes a printed medium.

3. As indicated in the Final Rejection, the Examiner upholds that Sarbadhikari et al. teach of a camera control print medium in the form of a memory card(24, figure 2). This memory card doubles as an image manipulation print medium as the control instructions from the memory card are used to manipulate images taken by a camera(column 7, line

Art Unit: 2622

60 through column 8, line 3). The controllable image manipulator(20) taught by Sarbadhikari et al. is a program control processor(i.e. a computer) used for controlling the camera(column 6, lines 13-23).

4. Claim 1 of the current invention broadly recites a camera control print medium that when read by a print media reader causes an image manipulator to manipulate an image. Sarbadhikari et al., as shown above, detail such a camera control print medium in the form of a memory card. Furthermore, Sarbadhikari et al. state in column 11, lines 14-30, that, "various changes may be made and equivalents may be substituted from elements of the embodiments without departing from invention", and that such changes may include for instance, having the camera control instructions currently contained in the removable memory card(24) embodied alternately in an electrically programmable memory located inside the camera, or on a floppy disk. Sarbadhikari et al. are clear that the camera control medium does not have to be a removable memory card, and can be embodied as other internal or external media. The only thing lacking in Sarbadhikari et al. is that the image manipulation print medium contains a "printed" control instruction. Hara et al. cures this deficiency in Sarbadhikari et al.

5. As Sarbadhikari et al. teach that the camera control/image manipulation print medium can be substituted with an equivalent as illustrated above, the two-dimensional barcode taught by Hara et al. would constitute such an equivalent. The invention of Hara et al. was made subsequent to the invention taught by Sarbadhikari et al., yet before Applicant's current invention. Similar to the computer embodying the image manipulator taught by Sarbadhikari et al., Hara et al. also teach of a computer("host

computer”) which receives external instructions, and uses said instructions to perform a predetermined control(column 16, lines 39-42). The pertinent problem of the current invention is providing the computer of a camera with control instructions via a readable print medium. Hara et al. is clearly pertinent to this problem as Hara et al. teach of using a readable print medium in the form of a two dimensional bar code in order to cause a computer to execute a control.

6. Hara et al. do not explicitly teach of providing a camera with control instructions. However, this is a moot point as Sarbadhikari et al. teach of providing a camera with control instructions.

7. Applicant argues that although Hara et al. discloses coded data, Hara et al. is in a different field of endeavor because it relates to transfer of data via a CCD camera and not to transfer of control instructions to a digital camera.

8. The Examiner acknowledges that Hara et al. does relate to the transfer of data via a CCD camera. The common ground that Sarbadhikari et al. and Hara et al. share is in transferring control signals to a computer, as illustrated above. The matter of whether or not Hara is in the same field of endeavor is inconsequential as Hara et al. is relevant to the pertinent problem(MPEP § 2141.01).

9. Finally, Applicant states that Sarbadhikari et al. teach away from the claimed camera control print medium in column 2, lines 38 to 40, wherein Sarbadhikari et al. teach that, “such a method should be quick and convenient for the user, preferably without requiring the use of additional storage modules”. Applicant asserts that the claimed camera control print medium is for use with another print medium, that being

the image manipulation print medium. This clearly leads away from Sarbadhikari et al as this document is concerned with eliminating the use of additional storage modules.

10. The Examiner asserts that Hara et al. teach in column 17, lines 13 and 14 that the processing of the two dimensional code is "simple and fast"(i.e. quick and convenient). Furthermore, the invention of Hara et al. does not require additional storage modules within the camera as the two dimensional code is read straight into RAM from the external medium(column 15, lines 15-21). Therefore, the two-dimensional print medium taught by Hara et al. constitutes an improvement on the invention of Sarbadhikari et al., as the print medium would not have to be inserted into and/or contained inside the camera of Sarbadhikari et al. Furthermore, it is not clear from the current language of Claim 1 that the camera control print medium and image manipulation print medium would have to be embodied on two separate print media.

11. Therefore, the rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER